

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

§
QUINTON KENNEDY

Plaintiff

v.

SGT. BOOZER, ET AL.

Defendants

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Case No. 5:20-CV-00030-RWS-JBB

ORDER OF DISMISSAL

Plaintiff Quinton Kennedy, proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his Constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff was released from the Bowie County Jail on October 29, 2020, and has not advised the Court of his current address, nor has he contacted the Court in any way since May of 2020. The Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute. A copy of this Report and Recommendation was sent to Plaintiff's last known address, return receipt requested, but no objections have been received; accordingly, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). It is accordingly

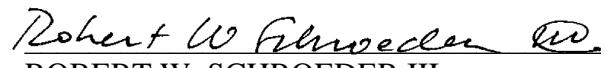
ORDERED that the Report of the Magistrate Judge (Docket No. 8) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

ORDERED that, because the alleged incidents forming the basis of the lawsuit began on February 6, 2020, and a dismissal without prejudice could operate as a dismissal with prejudice because of the statute of limitations, the limitations period is **SUSPENDED** for a period of 60 days following the date of entry of final judgment. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this 9th day of August, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE